

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KWAINE THOMPSON,

Plaintiff,

-against-

CITY OF NEW YORK, CORRECTION OFFICER
KATRESE BRUMFIELD, CORRECTION OFFICER
JESSICA SIMMONS, CAPTAIN DEBBIE PALMER-
CAMPBELL, CORRECTION OFFICER TIFFANY
FRANCIS, CORRECTION OFFICE CHANDRA DAVIS,
and CAPTAIN TONY MONTAGUE,

Defendants.

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**LOCAL RULE 56.1
STATEMENT OF
MATERIAL FACTS IN
SUPPORT OF
DEFENDANTS' MOTION
FOR SUMMARY
JUDGMENT**

22 Civ. 01458 (JPO) (KHP)

Defendants City of New York, Katrese Brumfield, Jessica Simmons, Debbie Palmer-Campbell, Tiffany Francis, Chandra Davis, and Tony Montague (“defendants”) respectfully submit this statement, pursuant to Rule 56.1 of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York, setting forth the undisputed material facts¹ upon which defendants contend there are no genuine issues to be tried.

1. Plaintiff never tested positive for chlamydia while in DOC custody. (See Plaintiff’s Correctional Health Services Medical Records, at Bates No. DEF00001-DEF00002, DEF01911-DEF01914, DEF02145, DEF02156-DEF02157, DEF02162, and DEF02167, annexed to the Declaration of Gregory Accarino as “**Exhibit F**”).

¹ Defendants adopt the facts set forth herein only for purposes of their anticipated motion for summary judgment and reserve the right to present different and/or conflicting facts at trial in this matter. See Vasconcellos v. City of New York, 12 Civ. 8445(CM)(HBP), 2015 U.S. Dist. LEXIS 121572, at *4 (S.D.N.Y. Sept. 9, 2015) (Local Civil Rule 56.1 “means a party can ‘admit’ facts that it intends to dispute at trial without suffering any prejudice – the ‘admission’.... neither binds the party going forward if the motion is denied nor can it be admitted in evidence at trial”).

2. Plaintiff filed a Notice of Claim on July 9, 2021, under Comptroller No. 202100085768, only alleging the incidents involving defendants Brumfield and Simmons, and not defendant Palmer-Campbell. (See Notice of Claim, filed July 9, 2021 annexed to the Declaration of Gregory Accarino as “**Exhibit E**”).

Dated: New York, New York
December 5, 2023

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